

REMARKS

I. INTRODUCTION

Claims 14, 15, 18-21 and 24-26 are currently pending in the present application after cancellation of claims 13, 16, 17, 22-23 and 27-28. Claims 14, 15, 18, 20, 21 and 24 have been amended.

Claims 13-28 were rejected under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the invention. With respect to independent claims 13, 22 and 27, the Examiner noted that the phrase “at least two operating modes possibly present” creates a confusion, and that it is unclear how the preamble of the claim (“method for detecting a malfunction of a brake system”) relates to the body of the claim “since these limitations are correlated or tied together.” Applicants note that independent claims 22 and 27 have been canceled. Furthermore, Applicants will discuss below (in connection with amended claim 18, which now incorporates the features previously recited in claim 13) the amendments made in response to this rejection.

The Examiner indicated that claims 18-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims. In response, claim 18 has been amended to incorporate the features of base claim 13 and intervening claims 16 and 17. With respect to the Examiner’s rejection of claim 13 under 35 U.S.C. 112, second paragraph, Applicants note that the features previously recited in claim 13 have been amended (as now incorporated into amended claim 18) to delete the term “possibly,” as well as clearly indicating that only “one of two different operating modes” is present during activation of the brake system. Furthermore, with respect to the Examiner’s contention that it is unclear how the preamble of the claim (“method for detecting a malfunction of a brake system . . . one of two different operating modes being present during activation of the brake system”) relates to the body of the claim “since these limitations are correlated or tied together,” Applicants note that the amended language of claim 18 clearly provides the correlation between the preamble and the body of the claim. For example, the body of amended claim 18 clearly recites, among other features, “detecting a malfunction of the brake system in a first manner when a first operating mode is present; detecting a malfunction of the brake system in a second manner when a second operating mode is present; during activation of the brake system, modifying and detecting brake pressures at at least two wheel brakes of an axle; ascertaining a differential variable that represents a difference of the detected brake pressures; and implementing fault detection separately at

each wheel axle on the basis of the differential variable exceeding a differential threshold.”

Accordingly, Applicants submit that amended claim 18 has overcome the 35 U.S.C. 112, second paragraph, rejection. Therefore, amended claim 18 and its dependent claims 14-15 and 19-21 are in allowable condition. In addition, independent claim 24 has been amended to recite features substantially corresponding to the features recited in amended claim 18, so claim 24 and its dependent claims 25-26 are also in allowable condition.

In light of the foregoing, it is respectfully submitted that all of the presently pending claims 14, 15, 18-21 and 24-26 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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